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CITY OF PITTSBURG, CHIEF OF POLICE AARON BAKER,
CAPT. WILLIAM ZBACNIK, LT. MICHAEL BARBANICA,
LT. WILLIAM "BRIAN" ADDINGTON, and
LT. WADE DERBY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RON HUPPERT and JAVIER SALGADO,

Plaintiff,

v.

CITY OF PITTSBURG, et al.,

Defendants.

Case No: C 05-01433 JL

**SEPARATE STATEMENT OF
DISCOVERY PROPOUNDED BY
DEFENDANT LT. WADE DERBY,
PLAINTIFFS' RESPONSES AND
JUSTIFICATION
FOR DISCOVERY
Local Rule 37-2**

Date: December 7, 2005
Time: 9:30 a.m.
Dept: Courtroom F, 15th Floor
450 Golden Gate Avenue
San Francisco, CA

Complaint Filed: April 7, 2005
Trial Date: Not Yet Set

REQUEST FOR ADMISSIONS TO PLAINTIFF HUPPERT

Request No. 1:

Admit that in conducting himself as alleged in the first cause of action of YOUR complaint,
Defendant Derby was performing a discretionary function.

Response by Plaintiff Huppert

Objection – calls for a legal/expert conclusion, and for protected work-product and attorney-client communications.

Justification for Discovery

This request was made to establish a fact that defendants assumed was not in dispute.

Request No. 2:

Admit that with respect to the first cause of action of YOUR complaint, Defendant Derby's conduct did not violate any clearly established statutory or constitutional rights of which reasonable people would have known.

Response by Plaintiff Huppert

Objection – calls for a legal/expert conclusion, and for protected work-product and attorney-client communications.

Justification for Discovery

This request was made to establish a fact that defendants assumed was not in dispute.

Request No. 3:

Admit that in conducting himself as alleged in the second cause of action of YOUR complaint, Defendant Derby was performing a discretionary function.

Response by Plaintiff Huppert

Objection – calls for a legal/expert conclusion, and for protected work-product and attorney-client communications.

Justification for Discovery

This request was made to establish a fact that defendants assumed was not in dispute.

Request No. 4:

Admit that with respect to the second cause of action of YOUR complaint, Defendant Derby's conduct did not violate any clearly established statutory or constitutional rights of which reasonable people would have known.

Response by Plaintiff Huppert

Objection – calls for a legal/expert conclusion, and for protected work-product and attorney-client communications.

Justification for Discovery

This request was made to establish a fact that defendants assumed was not in dispute.

Request No. 5:

Admit that Defendant Derby did not violate YOUR right to procedural due process pursuant to the United States Constitution.

Response by Plaintiff Huppert

Objection – calls for a legal/expert conclusion, and for protected work-product and attorney-client communications.

Justification for Discovery

This request was made to establish a fact that defendants assumed was not in dispute.

Request No. 6:

Admit that Defendant Derby did not violate YOUR right to procedural due process pursuant to the California Constitution.

Response by Plaintiff Huppert

Objection – calls for a legal/expert conclusion, and for protected work-product and attorney-client communications.

Justification for Discovery

This request was made to establish a fact that defendants assumed was not in dispute.

Request No. 7:

Admit that Defendant Derby did not engage in any act of conspiracy against YOU.

Response by Plaintiff Huppert

Objection – calls for a legal/expert conclusion, and for protected work-product and attorney-client communications.

Justification for Discovery

This request was made to establish a fact that defendants assumed was not in dispute.

Request No. 8:

Admit that Defendant Derby did not engage in any act of harassment against YOU.

Response by Plaintiff Huppert

Objection – calls for a legal/expert conclusion, and for protected work-product and attorney-client communications.

Justification for Discovery

This request was made to establish a fact that defendants assumed was not in dispute.

Request No. 9:

Admit that Defendant Derby did not engage in any act of retaliation against YOU.

Response by Plaintiff Huppert

Objection – calls for a legal/expert conclusion, and for protected work-product and attorney-client communications.

Justification for Discovery

This request was made to establish a fact that defendants assumed was not in dispute.

Request No. 10:

Admit that at all times during YOUR employment with the City of Pittsburgh, Defendant Derby acted with the course and scope of his employment with the City of Pittsburgh in his interactions with YOU.

Response by Plaintiff Huppert

Objection – calls for a legal/expert conclusion, and for protected work-product and attorney-client communications.

Justification for Discovery

This request was made to establish a fact that defendants assumed was not in dispute.

REQUEST FOR ADMISSIONS TO PLAINTIFF SALGADO

Request No. 1:

Admit that in conducting himself as alleged in the first cause of action of YOUR complaint, Defendant Derby was performing a discretionary function.

Response by Plaintiff Salgado

Objection – calls for a legal/expert conclusion, and for protected work-product and attorney-client communications.

Justification for Discovery

This request was made to establish a fact that defendants assumed was not in dispute.

Request No. 2:

Admit that with respect to the first cause of action of YOUR complaint, Defendant Derby's conduct did not violate any clearly established statutory or constitutional rights of which reasonable people would have known.

Response by Plaintiff Salgado

Objection – calls for a legal/expert conclusion, and for protected work-product and attorney-client communications.

Justification for Discovery

This request was made to establish a fact that defendants assumed was not in dispute.

Request No. 3:

Admit that in conducting himself as alleged in the second cause of action of YOUR complaint, Defendant Derby was performing a discretionary function.

Response by Plaintiff Salgado

Objection – calls for a legal/expert conclusion, and for protected work-product and attorney-client communications.

Justification for Discovery

This request was made to establish a fact that defendants assumed was not in dispute.

Request No. 4:

Admit that with respect to the second cause of action of YOUR complaint, Defendant Derby's conduct did not violate any clearly established statutory or constitutional rights of which reasonable people would have known.

Response by Plaintiff Salgado

Objection – calls for a legal/expert conclusion, and for protected work-product and attorney-client communications.

Justification for Discovery

This request was made to establish a fact that defendants assumed was not in dispute.

Request No. 5:

Admit that Defendant Derby did not violate YOUR right to procedural due process pursuant

1 to the United States Constitution.

2 **Response by Plaintiff Salgado**

3 Objection – calls for a legal/expert conclusion, and for protected work-product and attorney-
4 client communications.

5 **Justification for Discovery**

6 This request was made to establish a fact that defendants assumed was not in dispute.

7 **Request No. 6:**

8 Admit that Defendant Derby did not violate YOUR right to procedural due process pursuant
9 to the California Constitution.

10 **Response by Plaintiff Salgado**

11 Objection – calls for a legal/expert conclusion, and for protected work-product and attorney-
12 client communications.

13 **Justification for Discovery**

14 This request was made to establish a fact that defendants assumed was not in dispute.

15 **Request No. 7:**

16 Admit that Defendant Derby did not personally train YOU to falsify police reports.

17 **Response by Plaintiff Salgado**

18 Objection – calls for a legal/expert conclusion, and for protected work-product and attorney-
19 client communications.

20 **Justification for Discovery**

21 This request was made to establish a fact that defendants assumed was not in dispute.

22 **Request No. 8:**

23 Admit that Defendant Derby was not aware that you had falsified any police report until an
24 Internal Affairs investigation was initiated into this allegation.

25 **Response by Plaintiff Salgado**

26 Objection – calls for a legal/expert conclusion, and for protected work-product and attorney-
27 client communications.

Justification for Discovery

This request was made to establish a fact that defendants assumed was not in dispute.

Request No. 9:

Admit that Defendant Derby did not engage in any act of conspiracy against YOU.

Response by Plaintiff Salgado

Objection – calls for a legal/expert conclusion, and for protected work-product and attorney-client communications.

Justification for Discovery

This request was made to establish a fact that defendants assumed was not in dispute.

Request No. 10:

Admit that Defendant Derby did not engage in any act of harassment against YOU.

Response by Plaintiff Salgado

Objection – calls for a legal/expert conclusion, and for protected work-product and attorney-client communications.

Justification for Discovery

This request was made to establish a fact that defendants assumed was not in dispute.

Request No. 11:

Admit that Defendant Derby did not engage in any act of retaliation against YOU.

Response by Plaintiff Salgado

Objection – calls for a legal/expert conclusion, and for protected work-product and attorney-client communications.

Justification for Discovery

This request was made to establish a fact that defendants assumed was not in dispute.

Request No. 12:

Admit that Defendant Derby had discretion to recommend YOUR discipline for misconduct as a result of falsifying police reports.

Response by Plaintiff Salgado

Objection – calls for a legal/expert conclusion, and for protected work-product and attorney-

1 client communications.

2 **Justification for Discovery**

3 This request was made to establish a fact that defendants assumed was not in dispute.

4 **Request No. 13:**

5 Admit that at all times during YOUR employment with the City of Pittsburgh, Defendant Derby
6 acted with the course and scope of his employment with the City of Pittsburgh in his
7 interactions with YOU.

8 **Response by Plaintiff Salgado**

9 Objection – calls for a legal/expert conclusion, and for protected work-product and attorney-
10 client communications.

11 **Justification for Discovery**

12 This request was made to establish a fact that defendants assumed was not in dispute.

13 **Interrogatory No. 1:**

14 If YOUR response to any Request for Admission served concurrently by Defendant DERBY
15 with these Interrogatories is anything other than an unqualified admission, please state each
16 and every fact upon which YOU base YOUR denial and identify all witnesses and
17 documents which relate to or support YOUR denial.

18 **Response by Plaintiff Huppert**

19 Objection – compound, calls for speculation, and for protected work-product and attorney-
20 client communications.

21 **Justification for Discovery**

22 The Interrogatory is designed to determine if there is a factual basis for denial of the
23 Requests for Admission and to locate relevant witnesses and documents. This information
24 will be used to prove any facts which this plaintiff denies are true. This is an efficient and
25 effective way to obtain information necessary for the defense of this defendant which
26 otherwise would have to be obtained by depositions. Given the short amount of time
27 available for deposition of the plaintiff, and the large number of claims and defendants
28 named, this is the most reasonable and economic way to gather the necessary factual

1 information about this plaintiff's claims against this defendant.

2 **Interrogatory No. 2:**

3 Do YOU contend that Defendant DERBY engaged in any conduct that caused YOU to be
4 deprived of YOUR First Amendment constitutional rights?

5 **Response by Plaintiff Huppert**

6 Objection – compound, calls for speculation, and for protected work-product and attorney-
7 client communications.

8 **Justification for Discovery**

9 The Interrogatory is designed to determine what this plaintiff is contending against this
10 defendant. This is an efficient and effective way to obtain information necessary for the
11 defense of this defendant which otherwise would have to be obtained by depositions. Given
12 the short amount of time available for deposition of the plaintiff, and the large number of
13 claims and defendants named, this is the most reasonable and economic way to gather the
14 necessary factual information about this plaintiff's claims against this defendant.

15 **Interrogatory No. 3:**

16 If YOUR response to the previous interrogatory was in the affirmative please state each and
17 every fact upon which YOU base YOUR contention.

18 **Response by Plaintiff Huppert**

19 Objection – compound, calls for speculation, and for protected work-product and attorney-
20 client communications.

21 **Justification for Discovery**

22 The Interrogatory is designed to determine what facts plaintiff is aware of that support his
23 contention against this defendant. This is an efficient and effective way to obtain
24 information necessary for the defense of this defendant which otherwise would have to be
25 obtained by depositions. Given the short amount of time available for deposition of the
26 plaintiff, and the large number of claims and defendants named, this is the most reasonable
27 and economic way to gather the necessary factual information about this plaintiff's claims
28 against this defendant.

1 **Interrogatory No. 4:**

2 Do YOU contend that Defendant DERBY engaged in any conduct that caused YOU to be
3 deprived of YOUR Fourth Amendment constitutional rights?

4 **Response by Plaintiff Huppert**

5 Objection – compound, calls for speculation, and for protected work-product and attorney-
6 client communications.

7 **Justification for Discovery**

8 The Interrogatory is designed to determine what this plaintiff is contending against this
9 defendant. This is an efficient and effective way to obtain information necessary for the
10 defense of this defendant which otherwise would have to be obtained by depositions. Given
11 the short amount of time available for deposition of the plaintiff, and the large number of
12 claims and defendants named, this is the most reasonable and economic way to gather the
13 necessary factual information about this plaintiff's claims against this defendant.

14 **Interrogatory No. 5:**

15 If YOUR response to the previous interrogatory was in the affirmative please state each and
16 every fact upon which YOU base YOUR contention.

17 **Response by Plaintiff Huppert**

18 Objection – compound, calls for speculation, and for protected work-product and attorney-
19 client communications.

20 **Justification for Discovery**

21 The Interrogatory is designed to determine what facts plaintiff is aware of that support his
22 contention against this defendant. This is an efficient and effective way to obtain
23 information necessary for the defense of this defendant which otherwise would have to be
24 obtained by depositions. Given the short amount of time available for deposition of the
25 plaintiff, and the large number of claims and defendants named, this is the most reasonable
26 and economic way to gather the necessary factual information about this plaintiff's claims
27 against this defendant.

Interrogatory No. 6:

Do YOU contend that Defendant DERBY engaged in any conduct that caused YOU to be deprived of YOUR Fifth Amendment constitutional rights?

Response by Plaintiff Huppert

Objection – compound, calls for speculation, and for protected work-product and attorney-client communications.

Justification for Discovery

The Interrogatory is designed to determine what this plaintiff is contending against this defendant. This is an efficient and effective way to obtain information necessary for the defense of this defendant which otherwise would have to be obtained by depositions. Given the short amount of time available for deposition of the plaintiff, and the large number of claims and defendants named, this is the most reasonable and economic way to gather the necessary factual information about this plaintiff's claims against this defendant.

Interrogatory No. 7:

If YOUR response to the previous interrogatory was in the affirmative please state each and every fact upon which YOU base YOUR contention.

Response by Plaintiff Huppert

Objection – compound, calls for speculation, and for protected work-product and attorney-client communications.

Justification for Discovery

The Interrogatory is designed to determine what facts plaintiff is aware of that support his contention against this defendant. This is an efficient and effective way to obtain information necessary for the defense of this defendant which otherwise would have to be obtained by depositions. Given the short amount of time available for deposition of the plaintiff, and the large number of claims and defendants named, this is the most reasonable and economic way to gather the necessary factual information about this plaintiff's claims against this defendant.

Interrogatory No. 8:

1 Do YOU contend that Defendant DERBY engaged in any conduct that caused YOU to be
2 deprived of YOUR Sixth Amendment constitutional rights?

3 **Response by Plaintiff Huppert**

4 Objection – compound, calls for speculation, and for protected work-product and attorney-
5 client communications.

6 **Justification for Discovery**

7 The Interrogatory is designed to determine what this plaintiff is contending against this
8 defendant. This is an efficient and effective way to obtain information necessary for the
9 defense of this defendant which otherwise would have to be obtained by depositions. Given
10 the short amount of time available for deposition of the plaintiff, and the large number of
11 claims and defendants named, this is the most reasonable and economic way to gather the
12 necessary factual information about this plaintiff's claims against this defendant.

13 **Interrogatory No. 9:**

14 If YOUR response to the previous interrogatory was in the affirmative please state each and
15 every fact upon which YOU base YOUR contention.

16 **Response by Plaintiff Huppert**

17 Objection – compound, calls for speculation, and for protected work-product and attorney-
18 client communications.

19 **Justification for Discovery**

20 The Interrogatory is designed to determine what facts plaintiff is aware of that support his
21 contention against this defendant. This is an efficient and effective way to obtain
22 information necessary for the defense of this defendant which otherwise would have to be
23 obtained by depositions. Given the short amount of time available for deposition of the
24 plaintiff, and the large number of claims and defendants named, this is the most reasonable
25 and economic way to gather the necessary factual information about this plaintiff's claims
26 against this defendant.

27 **Interrogatory No. 10:**

28 Do YOU contend that Defendant DERBY engaged in any conduct that caused YOU to be

1 deprived of YOUR Fourteenth Amendment constitutional rights?

2 **Response by Plaintiff Huppert**

3 Objection – compound, calls for speculation, and for protected work-product and attorney-
4 client communications.

5 **Justification for Discovery**

6 The Interrogatory is designed to determine what this plaintiff is contending against this
7 defendant. This is an efficient and effective way to obtain information necessary for the
8 defense of this defendant which otherwise would have to be obtained by depositions. Given
9 the short amount of time available for deposition of the plaintiff, and the large number of
10 claims and defendants named, this is the most reasonable and economic way to gather the
11 necessary factual information about this plaintiff's claims against this defendant.

12 **Interrogatory No. 11:**

13 Do YOU contend that Defendant DERBY engaged in any conduct that caused YOU to be
14 deprived of YOUR equal protection and due process rights under the California
15 constitutional?

16 **Response by Plaintiff Huppert**

17 Objection – compound, calls for speculation, and for protected work-product and attorney-
18 client communications.

19 **Justification for Discovery**

20 The Interrogatory is designed to determine what this plaintiff is contending against this
21 defendant. This is an efficient and effective way to obtain information necessary for the
22 defense of this defendant which otherwise would have to be obtained by depositions. Given
23 the short amount of time available for deposition of the plaintiff, and the large number of
24 claims and defendants named, this is the most reasonable and economic way to gather the
25 necessary factual information about this plaintiff's claims against this defendant.

26 **Interrogatory No. 12:**

27 If YOUR response to the previous interrogatory was in the affirmative please state each and
28 every fact upon which YOU base YOUR contention.

Response by Plaintiff Huppert

Objection – compound, calls for speculation, and for protected work-product and attorney-client communications.

Justification for Discovery

The Interrogatory is designed to determine what facts plaintiff is aware of that support his contention against this defendant. This is an efficient and effective way to obtain information necessary for the defense of this defendant which otherwise would have to be obtained by depositions. Given the short amount of time available for deposition of the plaintiff, and the large number of claims and defendants named, this is the most reasonable and economic way to gather the necessary factual information about this plaintiff's claims against this defendant.

Interrogatory No. 13:

State each and every act by Defendant DERBY which YOU contend constitutes discrimination against YOU because of YOUR race.

Response by Plaintiff Huppert

Objection – compound, calls for speculation, and for protected work-product and attorney-client communications.

Justification for Discovery

The Interrogatory is designed to determine what facts plaintiff is aware of that support his contention against this defendant. This is an efficient and effective way to obtain information necessary for the defense of this defendant which otherwise would have to be obtained by depositions. Given the short amount of time available for deposition of the plaintiff, and the large number of claims and defendants named, this is the most reasonable and economic way to gather the necessary factual information about this plaintiff's claims against this defendant.

Interrogatory No. 14:

Do you contend that YOU suffered any loss of past or future wages or benefits as a result of any conduct by Defendant DERBY?

1 **Response by Plaintiff Huppert**

2 Objection – compound, calls for speculation, and for protected work-product and attorney-
3 client communications.

4 **Justification for Discovery**

5 The Interrogatory is designed to determine what this plaintiff is contending against this
6 defendant. This is an efficient and effective way to obtain information necessary for the
7 defense of this defendant which otherwise would have to be obtained by depositions. Given
8 the short amount of time available for deposition of the plaintiff, and the large number of
9 claims and defendants named, this is the most reasonable and economic way to gather the
10 necessary factual information about this plaintiff's claims against this defendant.

11 **Interrogatory No. 15:**

12 In YOUR answer to the preceding Interrogatory is affirmative, state each and every element
13 of such damage, the conduct by Defendant DERBY which caused it, and the amount of
14 such damage.

15 **Response by Plaintiff Huppert**

16 Objection – compound, calls for speculation, and for protected work-product and attorney-
17 client communications.

18 **Justification for Discovery**

19 The Interrogatory is designed to determine what facts plaintiff is aware of that support his
20 contention against this defendant. This is an efficient and effective way to obtain
21 information necessary for the defense of this defendant which otherwise would have to be
22 obtained by depositions. Given the short amount of time available for deposition of the
23 plaintiff, and the large number of claims and defendants named, this is the most reasonable
24 and economic way to gather the necessary factual information about this plaintiff's claims
25 against this defendant.

26 **Interrogatory No. 16:**

27 Do YOU contend that YOU suffered any damage resulting from emotional distress as a
28 result of any conduct by Defendant DERBY?

1 **Response by Plaintiff Huppert**

2 Objection – compound, calls for speculation, and for protected work-product and attorney-
3 client communications.

4 **Justification for Discovery**

5 The Interrogatory is designed to determine what this plaintiff is contending against this
6 defendant. This is an efficient and effective way to obtain information necessary for the
7 defense of this defendant which otherwise would have to be obtained by depositions. Given
8 the short amount of time available for deposition of the plaintiff, and the large number of
9 claims and defendants named, this is the most reasonable and economic way to gather the
10 necessary factual information about this plaintiff's claims against this defendant.

11 **Interrogatory No. 17:**

12 In YOUR answer to the preceding Interrogatory is affirmative, state each and every element
13 of such damage, the conduct by Defendant DERBY which caused it, and the amount of
14 such damage.

15 **Response by Plaintiff Huppert**

16 Objection – compound, calls for speculation, and for protected work-product and attorney-
17 client communications.

18 **Justification for Discovery**

19 The Interrogatory is designed to determine what facts plaintiff is aware of that support his
20 contention against this defendant. This is an efficient and effective way to obtain
21 information necessary for the defense of this defendant which otherwise would have to be
22 obtained by depositions. Given the short amount of time available for deposition of the
23 plaintiff, and the large number of claims and defendants named, this is the most reasonable
24 and economic way to gather the necessary factual information about this plaintiff's claims
25 against this defendant.

26 **Interrogatory No. 18:**

27 Do YOU contend that YOU suffered any other loss of wages or benefits as a result of any
28 conduct by Defendant DERBY?

Response by Plaintiff Huppert

Objection – compound, calls for speculation, and for protected work-product and attorney-client communications.

Justification for Discovery

The Interrogatory is designed to determine what this plaintiff is contending against this defendant. This is an efficient and effective way to obtain information necessary for the defense of this defendant which otherwise would have to be obtained by depositions. Given the short amount of time available for deposition of the plaintiff, and the large number of claims and defendants named, this is the most reasonable and economic way to gather the necessary factual information about this plaintiff's claims against this defendant.

Interrogatory No. 19:

In YOUR answer to the preceding Interrogatory is affirmative, state each and every element of such damage, the conduct by Defendant DERBY which caused it, and the amount of such damage.

Response by Plaintiff Huppert

Objection – compound, calls for speculation, and for protected work-product and attorney-client communications.

Justification for Discovery

The Interrogatory is designed to determine what facts plaintiff is aware of that support his contention against this defendant. This is an efficient and effective way to obtain information necessary for the defense of this defendant which otherwise would have to be obtained by depositions. Given the short amount of time available for deposition of the plaintiff, and the large number of claims and defendants named, this is the most reasonable and economic way to gather the necessary factual information about this plaintiff's claims against this defendant.

Interrogatory No. 20:

Do YOU contend that Defendant DERBY engaged in any conduct justifying an award of punitive damages in this matter?

Response by Plaintiff Huppert

Objection – compound, calls for speculation, and for protected work-product and attorney-client communications.

Justification for Discovery

The Interrogatory is designed to determine what this plaintiff is contending against this defendant. This is an efficient and effective way to obtain information necessary for the defense of this defendant which otherwise would have to be obtained by depositions. Given the short amount of time available for deposition of the plaintiff, and the large number of claims and defendants named, this is the most reasonable and economic way to gather the necessary factual information about this plaintiff's claims against this defendant.

Interrogatory No. 21:

If YOUR answer to the preceding interrogatory is affirmative, state each and every fact upon which YOU base YOUR contention that Defendant DERBY engaged in conduct justifying an award of punitive damages.

Response by Plaintiff Huppert

Objection – compound, calls for speculation, and for protected work-product and attorney-client communications.

Justification for Discovery

The Interrogatory is designed to determine what facts plaintiff is aware of that support his contention against this defendant. This is an efficient and effective way to obtain information necessary for the defense of this defendant which otherwise would have to be obtained by depositions. Given the short amount of time available for deposition of the plaintiff, and the large number of claims and defendants named, this is the most reasonable and economic way to gather the necessary factual information about this plaintiff's claims against this defendant.

Interrogatory No. 22:

State each and every act by Defendant DERBY demonstrating that he intended, or recklessly disregarded the likelihood, that his acts would cause YOU to suffer emotional

1 distress.

2 **Response by Plaintiff Huppert**

3 Objection – compound, calls for speculation, and for protected work-product and attorney-
4 client communications.

5 **Justification for Discovery**

6 The Interrogatory is designed to determine what facts plaintiff is aware of that support his
7 contention against this defendant. This is an efficient and effective way to obtain
8 information necessary for the defense of this defendant which otherwise would have to be
9 obtained by depositions. Given the short amount of time available for deposition of the
10 plaintiff, and the large number of claims and defendants named, this is the most reasonable
11 and economic way to gather the necessary factual information about this plaintiff's claims
12 against this defendant.

13 **Interrogatory No. 23:**

14 State each and every action by Defendant DERBY which YOU contend constitutes reckless,
15 intentional or negligent conduct falling below the standard of care owed to YOU.

16 **Response by Plaintiff Huppert**

17 Objection – compound, calls for speculation, and for protected work-product and attorney-
18 client communications.

19 **Justification for Discovery**

20 The Interrogatory is designed to determine what facts plaintiff is aware of that support his
21 contention against this defendant. This is an efficient and effective way to obtain
22 information necessary for the defense of this defendant which otherwise would have to be
23 obtained by depositions. Given the short amount of time available for deposition of the
24 plaintiff, and the large number of claims and defendants named, this is the most reasonable
25 and economic way to gather the necessary factual information about this plaintiff's claims
26 against this defendant.

27 **Interrogatory No. 24:**

28 If YOU contend that Defendant DERBY engaged in any act of conspiracy to deprive YOU of

1 YOUR rights, state each and every specific act engaged in by Defendant DERBY which
2 YOU contend constitutes an act of conspiracy.

3 **Response by Plaintiff Huppert**

4 Objection – compound, calls for speculation, and for protected work-product and attorney-
5 client communications.

6 **Justification for Discovery**

7 The Interrogatory is designed to determine what facts plaintiff is aware of that support his
8 contention against this defendant. This is an efficient and effective way to obtain
9 information necessary for the defense of this defendant which otherwise would have to be
10 obtained by depositions. Given the short amount of time available for deposition of the
11 plaintiff, and the large number of claims and defendants named, this is the most reasonable
12 and economic way to gather the necessary factual information about this plaintiff's claims
13 against this defendant.

14 **Interrogatory No. 25:**

15 If YOU contend that Defendant DERBY engaged in any act of retaliation against YOU for
16 exercise of YOUR rights, state each and every specific act engaged in by Defendant
17 DERBY which YOU contend constitutes an act of retaliation.

18 **Response by Plaintiff Huppert**

19 Objection – compound, calls for speculation, and for protected work-product and attorney-
20 client communications.

21 **Justification for Discovery**

22 The Interrogatory is designed to determine what facts plaintiff is aware of that support his
23 contention against this defendant. This is an efficient and effective way to obtain
24 information necessary for the defense of this defendant which otherwise would have to be
25 obtained by depositions. Given the short amount of time available for deposition of the
26 plaintiff, and the large number of claims and defendants named, this is the most reasonable
27 and economic way to gather the necessary factual information about this plaintiff's claims
28 against this defendant.

INTERROGATORIES TO PLAINTIFF SALGADO

Interrogatory No. 1:

If YOUR response to any Request for Admission served concurrently by Defendant DERBY with these Interrogatories is anything other than an unqualified admission, please state each and every fact upon which YOU base YOUR denial and identify all witnesses and documents which relate to or support YOUR denial.

Response by Plaintiff Salgado

Objection – compound, calls for speculation, and for protected work-product and attorney-client communications.

Justification for Discovery

The Interrogatory is designed to determine if there is a factual basis for denial of the Requests for Admission and to locate relevant witnesses and documents. This information will be used to prove any facts which this plaintiff denies are true. This is an efficient and effective way to obtain information necessary for the defense of this defendant which otherwise would have to be obtained by depositions. Given the short amount of time available for deposition of the plaintiff, and the large number of claims and defendants named, this is the most reasonable and economic way to gather the necessary factual information about this plaintiff's claims against this defendant.

Interrogatory No. 2:

Do YOU contend that Defendant DERBY engaged in any conduct that caused YOU to be deprived of YOUR First Amendment constitutional rights?

Response by Plaintiff Salgado

Objection – compound, calls for speculation, and for protected work-product and attorney-client communications.

Justification for Discovery

The Interrogatory is designed to determine what this plaintiff is contending against this defendant. This is an efficient and effective way to obtain information necessary for the defense of this defendant which otherwise would have to be obtained by depositions. Given

1 the short amount of time available for deposition of the plaintiff, and the large number of
2 claims and defendants named, this is the most reasonable and economic way to gather the
3 necessary factual information about this plaintiff's claims against this defendant.

4 **Interrogatory No. 3:**

5 If YOUR response to the previous interrogatory was in the affirmative please state each and
6 every fact upon which YOU base YOUR contention.

7 **Response by Plaintiff Salgado**

8 Objection – compound, calls for speculation, and for protected work-product and attorney-
9 client communications.

10 **Justification for Discovery**

11 The Interrogatory is designed to determine what facts plaintiff is aware of that support his
12 contention against this defendant. This is an efficient and effective way to obtain
13 information necessary for the defense of this defendant which otherwise would have to be
14 obtained by depositions. Given the short amount of time available for deposition of the
15 plaintiff, and the large number of claims and defendants named, this is the most reasonable
16 and economic way to gather the necessary factual information about this plaintiff's claims
17 against this defendant.

18 **Interrogatory No. 4:**

19 Do YOU contend that Defendant DERBY engaged in any conduct that caused YOU to be
20 deprived of YOUR Fourth Amendment constitutional rights?

21 **Response by Plaintiff Salgado**

22 Objection – compound, calls for speculation, and for protected work-product and attorney-
23 client communications.

24 **Justification for Discovery**

25 The Interrogatory is designed to determine what this plaintiff is contending against this
26 defendant. This is an efficient and effective way to obtain information necessary for the
27 defense of this defendant which otherwise would have to be obtained by depositions. Given
28 the short amount of time available for deposition of the plaintiff, and the large number of

claims and defendants named, this is the most reasonable and economic way to gather the necessary factual information about this plaintiff's claims against this defendant.

Interrogatory No. 5:

If YOUR response to the previous interrogatory was in the affirmative please state each and every fact upon which YOU base YOUR contention.

Response by Plaintiff Salgado

Objection – compound, calls for speculation, and for protected work-product and attorney-client communications.

Justification for Discovery

The Interrogatory is designed to determine what facts plaintiff is aware of that support his contention against this defendant. This is an efficient and effective way to obtain information necessary for the defense of this defendant which otherwise would have to be obtained by depositions. Given the short amount of time available for deposition of the plaintiff, and the large number of claims and defendants named, this is the most reasonable and economic way to gather the necessary factual information about this plaintiff's claims against this defendant.

Interrogatory No. 6:

Do YOU contend that Defendant DERBY engaged in any conduct that caused YOU to be deprived of YOUR Fifth Amendment constitutional rights?

Response by Plaintiff Salgado

Objection – compound, calls for speculation, and for protected work-product and attorney-client communications.

Justification for Discovery

The Interrogatory is designed to determine what this plaintiff is contending against this defendant. This is an efficient and effective way to obtain information necessary for the defense of this defendant which otherwise would have to be obtained by depositions. Given the short amount of time available for deposition of the plaintiff, and the large number of claims and defendants named, this is the most reasonable and economic way to gather the

1 necessary factual information about this plaintiff's claims against this defendant.

2 **Interrogatory No. 7:**

3 If YOUR response to the previous interrogatory was in the affirmative please state each and
4 every fact upon which YOU base YOUR contention.

5 **Response by Plaintiff Salgado**

6 Objection – compound, calls for speculation, and for protected work-product and attorney-
7 client communications.

8 **Justification for Discovery**

9 The Interrogatory is designed to determine what facts plaintiff is aware of that support his
10 contention against this defendant. This is an efficient and effective way to obtain
11 information necessary for the defense of this defendant which otherwise would have to be
12 obtained by depositions. Given the short amount of time available for deposition of the
13 plaintiff, and the large number of claims and defendants named, this is the most reasonable
14 and economic way to gather the necessary factual information about this plaintiff's claims
15 against this defendant.

16 **Interrogatory No. 8:**

17 Do YOU contend that Defendant DERBY engaged in any conduct that caused YOU to be
18 deprived of YOUR Sixth Amendment constitutional rights?

19 **Response by Plaintiff Salgado**

20 Objection – compound, calls for speculation, and for protected work-product and attorney-
21 client communications.

22 **Justification for Discovery**

23 The Interrogatory is designed to determine what this plaintiff is contending against this
24 defendant. This is an efficient and effective way to obtain information necessary for the
25 defense of this defendant which otherwise would have to be obtained by depositions. Given
26 the short amount of time available for deposition of the plaintiff, and the large number of
27 claims and defendants named, this is the most reasonable and economic way to gather the
28 necessary factual information about this plaintiff's claims against this defendant.

Interrogatory No. 9:

If YOUR response to the previous interrogatory was in the affirmative please state each and every fact upon which YOU base YOUR contention.

Response by Plaintiff Salgado

Objection – compound, calls for speculation, and for protected work-product and attorney-client communications.

Justification for Discovery

The Interrogatory is designed to determine what facts plaintiff is aware of that support his contention against this defendant. This is an efficient and effective way to obtain information necessary for the defense of this defendant which otherwise would have to be obtained by depositions. Given the short amount of time available for deposition of the plaintiff, and the large number of claims and defendants named, this is the most reasonable and economic way to gather the necessary factual information about this plaintiff's claims against this defendant.

Interrogatory No. 10:

Do YOU contend that Defendant DERBY engaged in any conduct that caused YOU to be deprived of YOUR Fourteenth Amendment constitutional rights?

Response by Plaintiff Salgado

Objection – compound, calls for speculation, and for protected work-product and attorney-client communications.

Justification for Discovery

The Interrogatory is designed to determine what this plaintiff is contending against this defendant. This is an efficient and effective way to obtain information necessary for the defense of this defendant which otherwise would have to be obtained by depositions. Given the short amount of time available for deposition of the plaintiff, and the large number of claims and defendants named, this is the most reasonable and economic way to gather the necessary factual information about this plaintiff's claims against this defendant.

Interrogatory No. 11:

Do YOU contend that Defendant DERBY engaged in any conduct that caused YOU to be deprived of YOUR equal protection and due process rights under the California constitutional?

Response by Plaintiff Salgado

Objection – compound, calls for speculation, and for protected work-product and attorney-client communications.

Justification for Discovery

The Interrogatory is designed to determine what this plaintiff is contending against this defendant. This is an efficient and effective way to obtain information necessary for the defense of this defendant which otherwise would have to be obtained by depositions. Given the short amount of time available for deposition of the plaintiff, and the large number of claims and defendants named, this is the most reasonable and economic way to gather the necessary factual information about this plaintiff's claims against this defendant.

Interrogatory No. 12:

If YOUR response to the previous interrogatory was in the affirmative please state each and every fact upon which YOU base YOUR contention.

Response by Plaintiff Salgado

Objection – compound, calls for speculation, and for protected work-product and attorney-client communications.

Justification for Discovery

The Interrogatory is designed to determine what facts plaintiff is aware of that support his contention against this defendant. This is an efficient and effective way to obtain information necessary for the defense of this defendant which otherwise would have to be obtained by depositions. Given the short amount of time available for deposition of the plaintiff, and the large number of claims and defendants named, this is the most reasonable and economic way to gather the necessary factual information about this plaintiff's claims against this defendant.

Interrogatory No. 13:

State each and every act by Defendant DERBY which YOU contend constitutes discrimination against YOU because of YOUR race.

Response by Plaintiff Salgado

Objection – compound, calls for speculation, and for protected work-product and attorney-client communications.

Justification for Discovery

The Interrogatory is designed to determine what facts plaintiff is aware of that support his contention against this defendant. This is an efficient and effective way to obtain information necessary for the defense of this defendant which otherwise would have to be obtained by depositions. Given the short amount of time available for deposition of the plaintiff, and the large number of claims and defendants named, this is the most reasonable and economic way to gather the necessary factual information about this plaintiff's claims against this defendant.

Interrogatory No. 14:

Do you contend that YOU suffered any loss of past or future wages or benefits as a result of any conduct by Defendant DERBY?

Response by Plaintiff Salgado

Objection – compound, calls for speculation, and for protected work-product and attorney-client communications.

Justification for Discovery

The Interrogatory is designed to determine what this plaintiff is contending against this defendant. This is an efficient and effective way to obtain information necessary for the defense of this defendant which otherwise would have to be obtained by depositions. Given the short amount of time available for deposition of the plaintiff, and the large number of claims and defendants named, this is the most reasonable and economic way to gather the necessary factual information about this plaintiff's claims against this defendant.

1 **Interrogatory No. 15:**

2 In YOUR answer to the preceding Interrogatory is affirmative, state each and every element
3 of such damage, the conduct by Defendant DERBY which caused it, and the amount of
4 such damage.

5 **Response by Plaintiff Salgado**

6 Objection – compound, calls for speculation, and for protected work-product and attorney-
7 client communications.

8 **Justification for Discovery**

9 The Interrogatory is designed to determine what facts plaintiff is aware of that support his
10 contention against this defendant. This is an efficient and effective way to obtain
11 information necessary for the defense of this defendant which otherwise would have to be
12 obtained by depositions. Given the short amount of time available for deposition of the
13 plaintiff, and the large number of claims and defendants named, this is the most reasonable
14 and economic way to gather the necessary factual information about this plaintiff's claims
15 against this defendant.

16 **Interrogatory No. 16:**

17 Do YOU contend that YOU suffered any damage resulting from emotional distress as a
18 result of any conduct by Defendant DERBY?

19 **Response by Plaintiff Salgado**

20 Objection – compound, calls for speculation, and for protected work-product and attorney-
21 client communications.

22 **Justification for Discovery**

23 The Interrogatory is designed to determine what this plaintiff is contending against this
24 defendant. This is an efficient and effective way to obtain information necessary for the
25 defense of this defendant which otherwise would have to be obtained by depositions. Given
26 the short amount of time available for deposition of the plaintiff, and the large number of
27 claims and defendants named, this is the most reasonable and economic way to gather the
28 necessary factual information about this plaintiff's claims against this defendant.

1 **Interrogatory No. 17:**

2 In YOUR answer to the preceding Interrogatory is affirmative, state each and every element
3 of such damage, the conduct by Defendant DERBY which caused it, and the amount of
4 such damage.

5 **Response by Plaintiff Salgado**

6 Objection – compound, calls for speculation, and for protected work-product and attorney-
7 client communications.

8 **Justification for Discovery**

9 The Interrogatory is designed to determine what facts plaintiff is aware of that support his
10 contention against this defendant. This is an efficient and effective way to obtain
11 information necessary for the defense of this defendant which otherwise would have to be
12 obtained by depositions. Given the short amount of time available for deposition of the
13 plaintiff, and the large number of claims and defendants named, this is the most reasonable
14 and economic way to gather the necessary factual information about this plaintiff's claims
15 against this defendant.

16 **Interrogatory No. 18:**

17 Do YOU contend that YOU suffered any other loss of wages or benefits as a result of any
18 conduct by Defendant DERBY?

19 **Response by Plaintiff Salgado**

20 Objection – compound, calls for speculation, and for protected work-product and attorney-
21 client communications.

22 **Justification for Discovery**

23 The Interrogatory is designed to determine what this plaintiff is contending against this
24 defendant. This is an efficient and effective way to obtain information necessary for the
25 defense of this defendant which otherwise would have to be obtained by depositions. Given
26 the short amount of time available for deposition of the plaintiff, and the large number of
27 claims and defendants named, this is the most reasonable and economic way to gather the
28 necessary factual information about this plaintiff's claims against this defendant.

1 **Interrogatory No. 19:**

2 In YOUR answer to the preceding Interrogatory is affirmative, state each and every element
3 of such damage, the conduct by Defendant DERBY which caused it, and the amount of
4 such damage.

5 **Response by Plaintiff Salgado**

6 Objection – compound, calls for speculation, and for protected work-product and attorney-
7 client communications.

8 **Justification for Discovery**

9 The Interrogatory is designed to determine what facts plaintiff is aware of that support his
10 contention against this defendant. This is an efficient and effective way to obtain
11 information necessary for the defense of this defendant which otherwise would have to be
12 obtained by depositions. Given the short amount of time available for deposition of the
13 plaintiff, and the large number of claims and defendants named, this is the most reasonable
14 and economic way to gather the necessary factual information about this plaintiff's claims
15 against this defendant.

16 **Interrogatory No. 20:**

17 Do YOU contend that Defendant DERBY engaged in any conduct justifying an award of
18 punitive damages in this matter?

19 **Response by Plaintiff Salgado**

20 Objection – compound, calls for speculation, and for protected work-product and attorney-
21 client communications.

22 **Justification for Discovery**

23 The Interrogatory is designed to determine what this plaintiff is contending against this
24 defendant. This is an efficient and effective way to obtain information necessary for the
25 defense of this defendant which otherwise would have to be obtained by depositions. Given
26 the short amount of time available for deposition of the plaintiff, and the large number of
27 claims and defendants named, this is the most reasonable and economic way to gather the
28 necessary factual information about this plaintiff's claims against this defendant.

Interrogatory No. 21:

If YOUR answer to the preceding interrogatory is affirmative, state each and every fact upon which YOU base YOUR contention that Defendant DERBY engaged in conduct justifying an award of punitive damages.

Response by Plaintiff Salgado

Objection – compound, calls for speculation, and for protected work-product and attorney-client communications.

Justification for Discovery

The Interrogatory is designed to determine what facts plaintiff is aware of that support his contention against this defendant. This is an efficient and effective way to obtain information necessary for the defense of this defendant which otherwise would have to be obtained by depositions. Given the short amount of time available for deposition of the plaintiff, and the large number of claims and defendants named, this is the most reasonable and economic way to gather the necessary factual information about this plaintiff's claims against this defendant.

Interrogatory No. 22:

State each and every act by Defendant DERBY demonstrating that he intended, or recklessly disregarded the likelihood, that his acts would cause YOU to suffer emotional distress.

Response by Plaintiff Salgado

Objection – compound, calls for speculation, and for protected work-product and attorney-client communications.

Justification for Discovery

The Interrogatory is designed to determine what facts plaintiff is aware of that support his contention against this defendant. This is an efficient and effective way to obtain information necessary for the defense of this defendant which otherwise would have to be obtained by depositions. Given the short amount of time available for deposition of the plaintiff, and the large number of claims and defendants named, this is the most reasonable

1 and economic way to gather the necessary factual information about this plaintiff's claims
2 against this defendant.

3 **Interrogatory No. 23:**

4 State each and every action by Defendant DERBY which YOU contend constitutes reckless,
5 intentional or negligent conduct falling below the standard of care owed to YOU.

6 **Response by Plaintiff Salgado**

7 Objection – compound, calls for speculation, and for protected work-product and attorney-
8 client communications.

9 **Justification for Discovery**

10 The Interrogatory is designed to determine what facts plaintiff is aware of that support his
11 contention against this defendant. This is an efficient and effective way to obtain
12 information necessary for the defense of this defendant which otherwise would have to be
13 obtained by depositions. Given the short amount of time available for deposition of the
14 plaintiff, and the large number of claims and defendants named, this is the most reasonable
15 and economic way to gather the necessary factual information about this plaintiff's claims
16 against this defendant.

17 **Interrogatory No. 24:**

18 If YOU contend that Defendant DERBY engaged in any act of conspiracy to deprive YOU of
19 YOUR rights, state each and every specific act engaged in by Defendant DERBY which
20 YOU contend constitutes an act of conspiracy.

21 **Response by Plaintiff Salgado**

22 Objection – compound, calls for speculation, and for protected work-product and attorney-
23 client communications.

24 **Justification for Discovery**

25 The Interrogatory is designed to determine what facts plaintiff is aware of that support his
26 contention against this defendant. This is an efficient and effective way to obtain
27 information necessary for the defense of this defendant which otherwise would have to be
28 obtained by depositions. Given the short amount of time available for deposition of the

plaintiff, and the large number of claims and defendants named, this is the most reasonable and economic way to gather the necessary factual information about this plaintiff's claims against this defendant.

Interrogatory No. 25:

If YOU contend that Defendant DERBY engaged in any act of retaliation against YOU for exercise of YOUR rights, state each and every specific act engaged in by Defendant DERBY which YOU contend constitutes an act of retaliation.

Response by Plaintiff Salgado

Objection – compound, calls for speculation, and for protected work-product and attorney-client communications.

Justification for Discovery

The Interrogatory is designed to determine what facts plaintiff is aware of that support his contention against this defendant. This is an efficient and effective way to obtain information necessary for the defense of this defendant which otherwise would have to be obtained by depositions. Given the short amount of time available for deposition of the plaintiff, and the large number of claims and defendants named, this is the most reasonable and economic way to gather the necessary factual information about this plaintiff's claims against this defendant.

Dated: October 14, 2005

MEYERS, NAVE, RIBACK, SILVER & WILSON

By /S/ Kathy E. Mount

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